

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:19-00139

DENNIS LEROY BURNS, II

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 23, 2021, the United States of America appeared by Jeremy B. Wolfe, Assistant United States Attorney, and the defendant, Dennis Leroy Burns, II, appeared in person and by his counsel, Rachel E. Zimarowski, Assistant Public Defender, for a hearing on a petition seeking revocation of supervised release, submitted by United States Probation Officer Jeffrey Bella. The defendant commenced a three (3) year term of supervised release in this action on July 10, 2020, as more fully set forth in the Judgment Order entered by the court on January 30, 2020.

The court heard the admissions of the defendant and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on September 18, 2020, October 8, 2020, and December 8, 2020, the defendant submitted urine specimens that tested positive for amphetamine and methamphetamine, on October 15, and 22, 2020, and the defendant verbally admitted to the probation officer that, as to the first two tests, he used methamphetamine prior to submitting those urine specimens, (2) On October 27, November 5, November 9, and December 3, 2020, and January 14, January 29, February 18, February 25, March 10, and March 15, 2021, the defendant failed to report for scheduled urine screens as directed by his probation officer, (3) the defendant was instructed to attend virtual individual substance abuse counseling sessions and failed to do so on December 21, 2020, and failed to attend any virtual counseling sessions during the months of January, February, and March, 2021; all as admitted on the record of the hearing by the defendant, and all as set forth in the petition, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, with THIRTY (30) months of supervised release imposed with the same terms and conditions of supervised release as heretofore, and with the special condition that he participate in and successfully complete a substance abuse treatment program that is comprised of two components, the first being a period of detox for thirty to forty days, immediately followed by an eight to twelve month residential drug treatment program such as that of the Anchor Project Center, as designated

by the probation officer, where the defendant shall follow the rules and regulations of the facility, and that he commence the program by proceeding directly from his place of incarceration to the residential drug treatment program.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 27, 2021



John T. Copenhagen, Jr.
Senior United States District Judge